

Intelligence Service Act of 1953

An Act

To improve and strengthen the Intelligence Service of the United States and to consolidate and revise the laws relating to its administration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

TITLE I - SHORT TITLE, OBJECTIVES, AND DEFINITIONS

Part A - Short Title

Sec. 101. Titles I to VII inclusive, of this Act may be cited as the "Intelligence Service Act of 1953."

EXPLANATION

It is presumed that the matters covered in the preliminary report of the Legislative Task Force will not exhaust all Agency legislative recommendations; hence, the purpose of Titles I through VII is merely format.

Part B - Objectives

Sec. 102. The Congress hereby declares that the objectives of this Act are to develop and strengthen the Intelligence Service of the United States so as --

(1) to foster and establish an Intelligence Career Service, comprising a group of dedicated people, carefully selected and extensively trained who will accept an obligation to devote themselves permanently to the needs of the Intelligence Service of the United States;

(2) to grant such people emoluments and benefits appropriate to the Intelligence Service and to assure permanency or tenure during good behavior and the performance of competent work;

(3) to insure that the officers and employees of the Intelligence Service so selected are representative of the traditions and heritage of the American people and are aware of and fully informed in respect to current trends of American life;

(4) to provide improvement in the recruitment, selection, and training of the personnel of the Intelligence Service;

(5) to provide for promotions to positions of authority and responsibility on the principle of merit and to insure selection of persons on an impartial basis;

(6) to provide the temporary appointment or assignment to the Intelligence Service of representative and outstanding citizens of the United States possessing skills and ability;

(7) to provide salaries, allowances and other benefits that will permit the Intelligence Service to draw its personnel from all elements of American life;

(8) to provide a workable basis for the management and administration of the Intelligence Service in accordance with acknowledged principles of public administration.

EXPLANATION

Obviously the above recited objectives may be contracted, expanded, and revised to suit the fancy of the draftsman. As can easily be perceived, the language is generally borrowed from the prefatory language of the Foreign Service Act and the introductory paragraphs of the Preliminary Report of the Legislative Task Force. I believe it appropriate to elicit recommendations on this point inasmuch as it may afford a foundation for interpretation or construction should a Career Service Act be passed for the Agency.

Part C - Definitions

Sec. 103. When used in this Act, the term--

(1) "Service" means the Intelligence Service of the United States;

- (2) "Agency" means the Central Intelligence Agency;
- (3) "Director" means the Director of Central Intelligence;
- (4) "Government agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States;
- (5) "Government" means the Government of the United States of America;
- (6) "Continental United States" means the States and the District of Columbia;
- (7) "Abroad" means all areas not included in the continental United States as defined in paragraph (6) of this section.

EXPLANATION

As in most statutes the matter of definition may continue at length or be shortened as in our own Public Law 110. The interrelationship of the term "Service" to the statute and the benefits thereunder becomes meaningful if the recipients of the benefits of the Act are to be restricted to the careerist as indicated in paragraph 2 of the preliminary report of the Legislative Task Force and Tab "W". This may be appropriately revised following decision at appropriate Agency level, particularly in view of the legislative considerations which would require attention because of the "non-careerist group." For the present, however, the draft will provide a basis of further research.

TITLE II - GOVERNING BODIES FOR THE DIRECTION OF THE SERVICE

Part A - Officers

Sec. 201. The Service shall be administered by the Director. The Director may delegate to those officers or employees holding positions of responsibility in the Service or to such boards as he may constitute or establish any of the powers conferred upon him by this section to the

extent that he finds such delegation to be in the interest of efficient administration of the Service.

Sec. 202. The Director shall be assisted by a Deputy Director of the Service for the purpose of this title. The Deputy Director shall act in the place of the Director in the event of his absence or incapacity.

Part B - Boards

Board of the Intelligence Service

Sec. 203. The Director shall establish a Board of the Intelligence Service of no less than three responsible officials of the Intelligence Service and shall appoint the Chairman thereof. The Board shall be responsible for making recommendations to the Director concerning the functions of the Service; the policies and procedures to govern the selection, assignment, promotion, and termination of Intelligence Service officers and employees; the policies and procedures to govern the administration and management of personnel of the Service, including the development of adequate and orderly procedures and policies concerning all determinations of unsuitability, incompetency, or other factors whereby an officer or employee fails to measure up to the standards of the Service; and shall perform such other duties as may properly be delegated to it by the Director.

EXPLANATION

Inasmuch as the above is an extremely hurried presentation of an idea that is not abundantly clear, I have borrowed heavily from Title II of the Foreign Service Act of 1946. Unlike the provisions of that Act, I believe that if the objectives of the Agency are to preclude external surveillance or review of the administrative activities of this Agency, Boards performing or determining matters of individual applicability should be internal boards.

The sections as drafted above are posited on the assumption that the official Agency position may seek exemption from the statutes and regulations which necessitate external review, with the possible exception of such sensitive matters as Executive Order 10450. I believe the substance of the above is supplemental to the terms of Section 102(c) of the National Security Act of 1947 and would provide measures for the handling of other career service problems. I have not attempted to develop within

the framework of this paper definitive procedures for handling proposed separations of "Career Status" types. Normally, however, selection out procedures might encompass notices to the officer or employee, argument by the Board, proposed recommendations of the Board, or appeal to the Director. Together with other provisions of the proposed legislation, Agency action would be placed beyond court or regulatory review. Procedurally this requires additional study as any such power should be bottomed on principles of fair hearings, etc.

TITLE III - DUTIES

Part A - Assignment

Sec. 301. Officers and employees of the Service shall, under such rules and regulations as the Director may prescribe, represent the interests of the United States and shall perform the duties and comply with the obligations resulting from the nature of their appointment or assignment or imposed on them by the terms of any law or by any order or regulation issued pursuant thereto, at any time, place, or under any circumstances.

Part B - Assignment to other Government Establishment

Sec. 302. Any officer or employee of the Service may be assigned or detailed for duty in any Government agency and while so assigned shall be entitled to receive as an officer or employee of the Service the salary, allowances, and other emoluments of the position in which he is serving in lieu of his salary as an officer or employee of the Service in the event that the position to which such officer or employee of the Service is assigned is higher than the salary of the position he holds in the Service.

EXPLANATION

I have gratuitously inserted this provision for retention of benefits of the higher position than occupied in the service position. The initial reason is that it finds expression in Section 571(d) of the Foreign Service Act of 1946 and would be a solution to some of the problems which have arisen in personnel administration of staff agents in the past two years.

Secondly, but unimportant, there is some slight legal consideration with respect to the individual who is actually and properly occupying a position and receiving the salary and emoluments of a lower position.

Part C - Duties

Sec. 303.

- (1) An officer or employee shall not Director.
- (2) An officer or employee shall not Government.
- (3) An officer or employee shall not Director.

EXPLANATION

I do not believe it necessary to repeat verbatim or literatim the provisions appearing in Title X of the Foreign Service Act or Tab T dated 13 August 1953, as everyone well understands the eliminated language.

TITLE IV - INTELLIGENCE SERVICE RESERVE OFFICERS

ESTABLISHMENT OF RESERVE

Sec. 401. In accordance with the terms of this Act and under such regulations as the Director shall prescribe, there shall be organized and maintained an Intelligence Service Reserve, referred to hereafter as the Reserve.

APPOINTMENTS AND ASSIGNMENTS TO THE RESERVE

Sec. 402. Whenever the services of a person who is a citizen of the United States and who has been such for at least five years immediately preceding the date on which he is required by the Service, the Director may--

- (a) appoint as a Reserve officer for nonconsecutive periods of not more than four years each, a person not in

the employ of the Government whom the Board of the Intelligence Service shall deem to have outstanding qualifications of a specialized character; and

(b) assign as a Reserve officer for nonconsecutive periods of not more than four years each a person regularly employed in any Government agency, subject, in the case of an employee of a Government agency other than the Central Intelligence Agency, to the consent of the head of the agency concerned.

BENEFITS

Sec. 403. A Reserve officer shall, except as otherwise provided in regulations which the Director may prescribe, receive all the allowances, privileges, and benefits which Intelligence Service officers are entitled to receive in accordance with the provisions of Title IX, received.

REINSTATEMENT OF RESERVE OFFICERS

Sec. 404. Upon the termination of the assignment of a Reserve officer assigned from any Government agency, such person shall be entitled to reinstatement in the Government agency by which he is regularly employed in the same position he occupied at the time of assignment, or in a corresponding or higher position. Upon reinstatement he shall receive the within-grade salary advancements he would have been entitled to receive had he remained in the position in which he is regularly employed under subsection (d), section 7, of the Classification Act of 1923, as amended, or any corresponding provision of law applicable to the position in which he is serving. A certificate of the Director that such person has met the standards required for the efficient conduct of the work of the Intelligence Service shall satisfy any requirements as to the holding of minimum ratings as a prerequisite to the receipt of such salary advancements.

EXPLANATION

This is a literary grab of the corresponding provision of the Foreign Service Act of 1946. No comment is made here except that it must undergo further and extensive refinement.

TITLE V - PERSONNEL

SERVICE PERSONNEL

Sec. 501. The Personnel of the Service shall consist of those officers and employees who are denominated as such under appropriate rules and regulations of the Director.

Sec. 502. The Director shall appoint such officers and employees under such regulations as he may prescribe. No person shall be eligible for appointment under the provisions of this title who has not been a citizen of the United States at the time of his appointment for at least ten years.

TITLE VI - PERSONNEL ADMINISTRATION

Part A - Exemption

Sec. 601. In the management and administration of the personnel of the Service, the Agency shall be exempt from the following acts:

**(1) Act of September 30, 1950, c. 1123, § 2, (64 Stat. ____;
5 U.S.C. 2001-2007).**

EXPLANATION

This provision merely exempts Service personnel from the provisions of the Performance Rating Act of 1950.

**(2) Act of June 27, 1944, c. 287 (63 Stat. 666;
5 U.S.C. 851-869)**

EXPLANATION

This exemption merely takes the Agency outside the provisions of the Veteran's Preference Act of 1944. Citations to amendments are incomplete inasmuch as it is not considered essential for the limited purpose of discussion.

Part B - Promotions

Sec. 602. All promotions of Intelligence Service's officers and employees shall be made by the Director in accordance with such regulations as he may prescribe. Ability, attainments, and merit shall be the bases for promotion to more responsible assignments.

Part C - Voluntary Retirement

Sec. 603. (a) Notwithstanding the provisions of the Act of July 3, 1926, c. 801, § 1, (44 Stat. 904 . . . August 25, 1949, c. 511, § 1; 63 Stat. 663) (5 U.S.C. 691 et seq.) any Intelligence Service officer or employee who is at least 50 years of age and has rendered 20 years service, including service within the meaning of Section 853 of the Foreign Service Act of 1946 as amended, may on his own application and with the consent of the Director be retired from the Service and receive full benefits in accordance with provisions of 5 U.S.C. 691 et seq.

Sec. 603. (b) In computing years of service, the following extra-service credits shall be allowed for those officers and employees of the Service who have performed assignments outside the continental United States.

(1) Years-of-service - For each year of service abroad, the employee shall receive credit for one and one-half years of service under the retirement act. For each year of service in places stated by the President to be unhealthful in accord with Section 853 of the Foreign Service Act, or other law, the employee shall receive credit for two years of service.

(2) Retirement-age factor - Each year of service abroad shall lower the voluntary retirement age six months. Each year of service at an unhealthful post shall lower the voluntary retirement age eight months. Reducing for either cause shall not reduce the amount of annuity received.

Part D - Involuntary Retirement

Sec. 604. Notwithstanding the provisions of the Veterans' Preference Act of 1944, Act of June 27, 1944, (58 Stat. 387 as amended), or the

provisions of any other law concerning the selection, appointment, administration, and termination of personnel in the Government, the Director may, under such regulations as he may prescribe, separate from the Service any Intelligence Service officer or employee on account of unsatisfactory performance of duties; provided, however, that no such officer or employee shall be separated from the Service unless and until he shall have been granted a hearing by the Board of the Intelligence Service and the unsatisfactory performance of his duties shall have been established.

Sec. 605. The decision of the Director shall be final and conclusive and no appeal shall lie therefrom.

TITLE VII - ALLOWANCES AND BENEFITS

Part A - Education

Sec. 701. The Agency shall, under such rules and regulations as the Director may prescribe, pay the tuition and other expenses of dependents of officers or employees assigned outside the continental United States provided, however, that in no event shall such allowances be payable for education beyond the high-school level

Part B - Allowances

Sec. 702. In accordance with such regulations as the President may prescribe and notwithstanding the provisions of section 1765 of the Revised Statutes (5 U. S. C. 70), the Director is authorized to grant to any officer or employee of the Service allowances and other payments in accordance with the provisions of sections 443, 901(1), 901(2), of the Foreign Service Act of 1946.

EXPLANATION

This again is an example of referential legislation and may be helpful or injurious to CIA, depending upon the revisions which are made to the particular act. For example, Foreign Service has been much concerned with the problem of temporary lodging allowances at the end of a tour of duty and also upon arrival in the continental United States following a tour. Some consideration might be given to this. A few of the 10, 12 cases

referred to the DD/A have been on this subject. In the final submission to Congress, it might be well to enact our own 901(1), 901(2), and to provide explicit authority for granting 443 benefits.

Part C - Travel and Related Expenses

Sec. 703. The Director shall, under such regulations as he may prescribe, with respect to officers and employees assigned outside the continental United States, pay--

EXPLANATION

The purpose for inserting this provision in this manner is to reflect the omission of the phrase "its territories and possessions" which presently appears in Section 5(a) of Public Law 110. As is generally known, this is a phrase of limitation and because of the unusual placement of the language in our act has precluded the granting of certain benefits, including the subject matter comprehended in Tab "A." Further it has precluded the movement of vehicles under Section 5(a)(4) of Public Law 110 to the territories and possessions. Although not specifically covered in the preliminary report of the Legislative Task Force, I believe the latter is also pertinent. Tab "C" of the Preliminary Report of the Legislative Task Force recommends a solution to the problem of medical treatment of dependents of officers and employees assigned abroad. A suggested solution is stated in Section C of paragraph (3) of the aforesaid report, to wit, the application of the more liberal standards of medical care under Public Law 110. This may be accomplished by extending the subjects in Section 5(a)(5)(A) and 5(a)(5)(C) to include "dependents." With the omission of the phrase "Territories and possessions," in the introductory clause no administrative difficulty is foreseen.

Part D - Home Leave

Sec. 704. Officers and employees in the Intelligence Service of the United States under the Central Intelligence Agency may be granted leave of absence, without regard to any other leave provided in the "Annual and Sick Leave Act of 1951," for use in the United States, its territories and possessions, at a rate equivalent to one week for each four months of service outside the United States. Such leave may be accumulated for future use without regard to the limitation in subsection 203(c) of the "Annual and

Sick Leave Act of 1951," but no such leave which is not used shall be made the basis for any termination leave or lump-sum or payment.

EXPLANATION

The proposal covered by Tab "F" requires deletion of the proviso appearing in Section 5(a)(3)(A) of Public Law 110.

Part E - Missing Persons' Act

Sec. 705. Regardless of the fact that the Act of April 4, 1953, c. 17, § 1 (f), (67 Stat. 21, 50 App. U.S.C. 1001-1005) cited as the "Missing Persons' Act" may lapse, be repealed, or otherwise terminate, the original provisions of said act shall be deemed to apply to all Intelligence Service personnel. The Director shall prescribe appropriate rules and regulations for the administration, determination, and other matters required thereunder.

EXPLANATION

Due to the brevity of time, the above provision inserted is indicative of a legislative approach to the problem. It would be preferable in my opinion to write a "Missing Persons' Act" for the Agency patterned after the provisions of the "Missing Persons' Act" cited herein. I believe it appropriate to again refer to the problem of referral legislation in relation to the "Missing Persons' Act."

Part F - Death Gratuities

Sec. 706. In the event that an officer or employee of the Intelligence Service dies or is declared to be dead under Section 705 of this Act, there shall be payable to his widow or designated beneficiary or heir an amount equal to six months of salary.

TITLE VIII -- MISCELLANEOUS

Sec. 801. Delegations

Sec. 802. Authority to Designate Unhealthful Posts Similar to Sec. 853 of the Foreign Service Act (with the economy drive)

Sec. 803. Repeals

Sec. 804. Re-Enactment of P. L. 110